

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CARRIANE M. WHYTE,

Plaintiff,

**5:14-cv-1528
(GLS/ATB)**

v.

**CAROLYN COLVIN, Acting
Commissioner of Social
Security,**

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Foulke Law Firm
5 Court Street
Auburn, NY 13021

E. KENTON FOULKE, ESQ.

FOR THE DEFENDANT:

HON. RICHARD S. HARTUNIAN
United States Attorney
100 South Clinton Street
Syracuse, NY 13261

ELIZABETH D. ROTHSTEIN
Special Assistant U.S. Attorney

Steven P. Conte
Regional Chief Counsel
Social Security Administration
Office of General Counsel, Region II
26 Federal Plaza, Room 3904
New York, NY 10278

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed on March 1, 2016. (Dkt. No. 13.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation (Dkt. No. 13) is **ADOPTED** in its entirety; and it is further

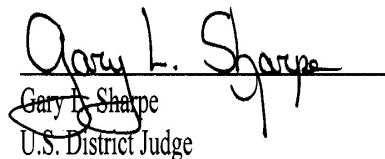
ORDERED that the decision of the Commissioner be **AFFIRMED**, and the complaint (Dkt. No. 1) be **DISMISSED**; and it is further

ORDERED that plaintiff's motion for leave to submit new evidence (Dkt. No. 11, Attach. 1) is **DENIED**; and it is further

ORDERED that the clerk serve a copy of this order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

March 24, 2016
Albany, New York


Gary L. Sharpe
U.S. District Judge